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U.S. DISTRICT COURT E.D.N.Y.
★ FEB 21 2006 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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THOMAS PUCCIO, et al.,

Plaintiffs,

- against -

P.M. _____
TIME A.M. _____

94 CV 4013 (SJ)

L.M.G. AIR CORPORATION, et al.,

Defendants.
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APPEARANCES:

CARY KANE LLP
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New York, NY 10018
By: Larry Cary, Esq.
Jonathan J. Boyles, Esq.
Attorneys for Plaintiff

RICHARD W. WALSH, ESQ.
218-25 Jamaica Avenue
Queens Village, NY 11428
Attorney for Defendant

JOHNSON, Senior District Judge:

Before the Court are a Report and Recommendation and a Supplemental Report and Recommendation (collectively, "the Reports"), each prepared by Magistrate Judge Roanne L. Mann in response to an order of this Court dated December 8, 1998.¹

¹Familiarity with the facts and procedural posture of the case are presumed.

For the reasons stated herein, this Court affirms and adopts Magistrate Judge Mann's Reports in their entirety.

A district court judge may designate a magistrate judge to hear and determine certain matters pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the matter. See 28 U.S.C. § 636(b)(1). Within 10 days of service of the recommendation, any party may file written objections to the magistrate's report. Id. Upon *de novo* review of those portions of the record to which objections are made, the district court may accept, reject, or modify the recommendations made by the magistrate. Id.

The court, however, is not required to review, under a *de novo* or any other standard, the factual findings or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. See Thomas v. Arn, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal the magistrate judge's decision. See 28 U.S.C. § 636(b)(1); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989). While the level of scrutiny entailed by the court's review of the report depends on whether or not objections have been filed, in either case the court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations. See Wood v. Schweiker, 537 F. Supp. 660, 661 (D.S.C. 1982).

On May 23, 2005, Defendants submitted objections to certain aspects of Magistrate Judge Mann's Reports. Plaintiff responded to Defendants' objections on June 27, 2003. Having reviewed the Reports, as well as the parties' subsequent submissions, the Court sees no reason to disagree with the very thorough and thoughtful conclusions reached by Magistrate Judge Mann.

Therefore, the Court hereby affirms and adopts the Reports in their entirety. The Clerk of Court is directed to enter a final judgment in favor of Plaintiffs for \$1,181,313.00 for unpaid pension and welfare contributions; \$794,309.90² for prejudgment interest on unpaid contributions; \$236,262.60 in liquidated damages, and \$60,762.30 in attorneys' and accounting fees, as well as costs, for a total award of \$2,272,647.80.

SO ORDERED.

Dated: February 17, 2006
Brooklyn, NY

s/SJ

Senior U.S.D.J.

²Magistrate Judge Mann's Supplemental Report and Recommendation included the amount of \$794,309.92 – as opposed to the figure noted here by this Court – for prejudgment interest on unpaid contributions. The adjusted figure this Court uses is consistent with the total award Magistrate Judge Mann calculated, leading this Court to conclude that the additional two cents were the result of a typographical error in the Supplemental Report and Recommendation. Notwithstanding this minor discrepancy, the Court reiterates that it affirms and adopts the Reports in their entirety.